

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL
Special District Local
Laws Code
Chapter 8486
6/11/14

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2	DRAINAGE DISTRICT NO. 3	
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14	CHAPTER 8486. WILLIAMSON COUNTY WATER, SEWER, IRRIGATION, AND	
15	DRAINAGE DISTRICT NO. 3	
16	SUBCHAPTER A. GENERAL PROVISIONS	
17	<u>Revised Law</u>	
18	Sec. 8486.001. DEFINITIONS. In this chapter:	
19	(1) "Board" means the district's board of directors.	
20	(2) "Director" means a board member.	
21	(3) "District" means the Williamson County Water,	
22	Sewer, Irrigation, and Drainage District No. 3. (Acts 70th Leg.,	
23	R.S., Ch. 650, Sec. 2; New.)	
24	<u>Source Law</u>	
25	Sec. 2. In this Act, "district" means the	
26	Williamson County Water, Sewer, Irrigation, and	
27	Drainage District No. 3.	

1 Revisor's Note

2 The definitions of "board" and "director" are
3 added to the revised law for drafting convenience and
4 to eliminate frequent, unnecessary repetition of the
5 substance of the definitions.

6 Revised Law

7 Sec. 8486.002. NATURE OF DISTRICT. The district is a
8 conservation and reclamation district in Williamson County,
9 created under Section 59, Article XVI, Texas Constitution. (Acts
10 70th Leg., R.S., Ch. 650, Sec. 1(a) (part).)

11 Source Law

12 Sec. 1. (a) Pursuant to Article XVI, Section
13 59, of the Texas Constitution a conservation and
14 reclamation district is created in Williamson County
15 . . . to be known as "Williamson County Water, Sewer,
16 Irrigation, and Drainage District No. 3,"

17 Revisor's Note

18 (1) Section 1(a), Chapter 650, Acts of the 70th
19 Legislature, Regular Session, 1987, refers to a
20 confirmation election. Because the confirmation
21 election has already been held, the revised law omits
22 the provision as executed. The omitted law reads:

23 (a) . . . subject to approval at a
24 confirmation election under Section 8 of
25 this Act,

26 (2) Section 1(a), Chapter 650, Acts of the 70th
27 Legislature, Regular Session, 1987, provides that the
28 district is a governmental agency and a body politic
29 and corporate. The revised law omits the provision
30 because it duplicates a portion of Section 59(b),
31 Article XVI, Texas Constitution, which provides that a
32 conservation and reclamation district is a
33 governmental agency and a body politic and corporate.
34 The omitted law reads:

35 (a) . . . which shall be a
36 governmental agency and a body politic and
37 corporate.

1 Revised Law

2 Sec. 8486.003. FINDINGS OF BENEFIT AND PUBLIC PURPOSE. (a)
3 The district is created to serve a public use and benefit.

4 (b) All land and other property included in the boundaries
5 of the district will benefit from the works and projects
6 accomplished by the district under the powers conferred by Section
7 59, Article XVI, Texas Constitution.

8 (c) The creation of the district is essential to accomplish
9 the purposes of Section 59, Article XVI, Texas Constitution. (Acts
10 70th Leg., R.S., Ch. 650, Secs. 1(b), 5.)

11 Source Law

12 [Sec. 1]

13 (b) The creation of the district is declared to
14 be essential to the accomplishment of the purposes of
15 Article XVI, Section 59, of the Texas Constitution.

16 Sec. 5. The legislature finds that all of the
17 land and other property included within the boundaries
18 of the district will be benefitted by the works and
19 projects that are to be accomplished by the district
20 under powers conferred by Article XVI, Section 59, of
21 the Texas Constitution and that the district is
22 created to serve a public use and benefit.

23 Revised Law

24 Sec. 8486.004. DISTRICT TERRITORY. (a) The district is
25 composed of the territory described by Section 3, Chapter 650, Acts
26 of the 70th Legislature, Regular Session, 1987, as that territory
27 may have been modified under:

- 28 (1) Subchapter H, Chapter 54, Water Code;
29 (2) Subchapter J, Chapter 49, Water Code; or
30 (3) other law.

31 (b) The boundaries and field notes of the district form a
32 closure. A mistake in the field notes or in copying the field notes
33 in the legislative process does not affect:

- 34 (1) the district's organization, existence, or
35 validity;
36 (2) the district's right to impose a tax; or
37 (3) the legality or operation of the district or its
38 governing body. (Acts 70th Leg., R.S., Ch. 650, Sec. 4; New.)

1 governed by a board of five elected directors. (Acts 70th Leg.,
2 R.S., Ch. 650, Secs. 7(a), (b) (part).)

3 Source Law

4 Sec. 7. (a) The district is governed by a board
5 of five directors.

6 (b) . . . each director shall be elected and
7

8 Revisor's Note

9 (1) Section 7(b), Chapter 650, Acts of the 70th
10 Legislature, Regular Session, 1987, provides that
11 "[e]xcept for the initial directors," each director
12 shall serve for the term of office provided for
13 directors under Chapter 54, Water Code. The revised
14 law omits the quoted language as executed. The revised
15 law omits the provision relating to the term of office
16 of directors because Chapter 715, Acts of the 74th
17 Legislature, Regular Session, 1995, repealed the
18 relevant provisions of Chapter 54, Water Code, and
19 enacted Section 49.103, Water Code, to govern the term
20 of office of a director of a municipal utility
21 district. Chapter 49, Water Code, applies to the
22 district under Sections 49.001 and 49.002, Water Code.
23 Finally, Section 7(b) provides that each director
24 shall serve "until his successor is elected and has
25 qualified." The revised law omits the quoted language
26 because it duplicates in substance Section 17, Article
27 XVI, Texas Constitution, which requires an officer to
28 continue to perform the officer's duties until a
29 successor has qualified. The omitted law reads:

30 (b) Except for the initial directors,
31 [each director] . . . shall serve for the
32 terms of office as provided for directors
33 under Chapter 54, Water Code, until his
34 successor is elected and has qualified.

35 (2) Section 7(c), Chapter 650, Acts of the 70th
36 Legislature, Regular Session, 1987, provides that each
37 director shall qualify to serve as director in the

1 manner provided by Chapter 54, Water Code. The revised
2 law omits Section 7(c) because, as explained in
3 Revisor's Note (1), the relevant provisions of Chapter
4 54 were repealed, and similar provisions, including
5 provisions governing the qualifications of directors,
6 were enacted in Chapter 49, Water Code, which applies
7 to the district under Sections 49.001 and 49.002 of
8 that chapter. The omitted law reads:

9 (c) Each director shall qualify to
10 serve as director in the manner provided by
11 Chapter 54, Water Code.

12 Revised Law

13 Sec. 8486.052. BOARD VACANCY. (a) Except as provided by
14 Subsection (b), a vacancy in the office of director shall be filled
15 in the manner provided by Section 49.105, Water Code.

16 (b) The Texas Commission on Environmental Quality shall
17 appoint directors to fill all of the vacancies on the board whenever
18 the number of qualified directors is fewer than three. (Acts 70th
19 Leg., R.S., Ch. 650, Sec. 7(e) (part); New.)

20 Source Law

21 (e) . . . If at any time the number of qualified
22 directors is less than three because of the failure or
23 refusal of one or more directors to qualify or serve
24 because of death or incapacitation or for any other
25 reason, the Texas Water Commission shall appoint the
26 necessary number of directors to fill all vacancies on
27 the board.

28 Revisor's Note

29 (1) Section 7(e), Chapter 650, Acts of the 70th
30 Legislature, Regular Session, 1987, governs the manner
31 in which multiple board vacancies are filled. Section
32 49.105, Water Code, governs the manner of filling a
33 vacancy in the office of director of certain
34 districts, including a municipal utility district.
35 Chapter 49, Water Code, applies to the district under
36 Sections 49.001 and 49.002 of that chapter. For that
37 reason and for the convenience of the reader, the
38 revised law adds a reference to Section 49.105.

1 (2) Section 7(e), Chapter 650, Acts of the 70th
2 Legislature, Regular Session, 1987, refers to a
3 vacancy in the office of director "because of the
4 failure or refusal of one or more directors to qualify
5 or serve because of death or incapacitation or for any
6 other reason." The revised law omits the quoted
7 language because it merely describes every manner in
8 which a vacancy may occur without limiting in any way
9 the duty to fill a vacancy.

10 (3) Section 7(e), Chapter 650, Acts of the 70th
11 Legislature, Regular Session, 1987, refers to the
12 "Texas Water Commission." The revised law substitutes
13 "Texas Commission on Environmental Quality" for "Texas
14 Water Commission" to reflect a change in the agency's
15 name. The name of the Texas Water Commission was
16 changed to the Texas Natural Resource Conservation
17 Commission by Section 1.085, Chapter 3, Acts of the
18 72nd Legislature, 1st Called Session, 1991. The name
19 of the Texas Natural Resource Conservation Commission
20 was changed to the Texas Commission on Environmental
21 Quality by Section 18.01, Chapter 965, Acts of the 77th
22 Legislature, Regular Session, 2001. The revised law
23 is drafted accordingly.

24 Revisor's Note
25 (End of Subchapter)

26 (1) Section 7(d), Chapter 650, Acts of the 70th
27 Legislature, Regular Session, 1987, names the initial
28 board of directors of the district. The revised law
29 omits the provision as executed because the terms of
30 the initial directors have expired. The omitted law
31 reads:

32 (d) At the time this Act takes
33 effect, the following persons shall
34 constitute the initial board of directors
35 of the district:

36 (1) Timothy Timmerman, P.O. Box
37 62, Pflugerville, Texas;

1 (2) Leah Hagen, 3701 Hampton
2 Road, Austin, Texas;

3 (3) Theodor Timmerman, P.O. Box
4 789, Pflugerville, Texas;

5 (4) Elaine Timmerman, 10926
6 Jollyville Rd., Austin, Texas; and

7 (5) Beverly Timmerman, P.O. Box
8 62, Pflugerville, Texas.

9 (2) Section 7(e), Chapter 650, Acts of the 70th
10 Legislature, Regular Session, 1987, provides
11 procedures for filling a vacancy in the initial board
12 of directors because of the failure of a member of the
13 initial board of directors to qualify for office. The
14 revised law omits the provision as executed because
15 the terms of the initial directors have expired. The
16 omitted law reads:

17 (e) If any of the directors listed in
18 Subsection (d) of this section fails to
19 qualify for office, the remaining directors
20 shall appoint a qualified person to fill the
21 vacancy for the unexpired term. . . .

22 (3) Section 7(f), Chapter 650, Acts of the 70th
23 Legislature, Regular Session, 1987, provides that the
24 district's initial directors serve until permanent
25 directors are elected. The revised law omits the
26 provision as executed because permanent directors of
27 the district have been elected. The omitted law reads:

28 (f) The initial directors shall serve
29 until permanent directors are elected as
30 provided by Section 9 of this Act and
31 Chapter 54, Water Code.

32 (4) Section 8, Chapter 650, Acts of the 70th
33 Legislature, Regular Session, 1987, requires an
34 election to confirm the establishment of the district
35 and to elect the initial five permanent directors. The
36 revised law omits the provision as executed because
37 the district has been established. The omitted law
38 reads:

39 Sec. 8. An election shall be called
40 and held to confirm establishment of the
41 district and to elect five permanent
42 directors as provided by Chapter 54, Water
43 Code.

1 (5) Section 9, Chapter 650, Acts of the 70th
2 Legislature, Regular Session, 1987, provides that the
3 district shall hold elections for directors on the
4 third Saturday in May every two years beginning in the
5 second year following the confirmation and directors'
6 election. The revised law omits those provisions as
7 executed for the initial election and as superseded
8 for subsequent elections by the 1995 enactment of
9 Section 49.103, Water Code, applicable to the district
10 under Sections 49.001, 49.002, and 49.103(e), Water
11 Code. Section 49.103 requires the election of the
12 appropriate number of directors to be held on the
13 uniform election date in May of even-numbered years.
14 The omitted law reads:

15 Sec. 9. Beginning in the second year
16 following the confirmation and directors
17 election, an election shall be held on the
18 third Saturday in May every two years to
19 elect the appropriate number of directors
20 to the board.

21 SUBCHAPTER C. POWERS AND DUTIES

22 Revised Law

23 Sec. 8486.101. MUNICIPAL UTILITY DISTRICT POWERS AND
24 DUTIES. The district has the rights, powers, privileges, duties,
25 and functions provided by general law applicable to a municipal
26 utility district created under Section 59, Article XVI, Texas
27 Constitution, including Chapters 49, 50, and 54, Water Code. (Acts
28 70th Leg., R.S., Ch. 650, Sec. 6(a) (part).)

29 Source Law

30 Sec. 6. (a) The district has all of the rights,
31 powers, privileges, authority, duties, and functions
32 conferred by the general laws of this state applicable
33 to municipal utility districts created under Article
34 XVI, Section 59, of the Texas Constitution, including
35 those conferred by Chapters 50 and 54, Water
36 Code. . . .

37 Revisor's Note

38 (1) Section 6(a), Chapter 650, Acts of the 70th
39 Legislature, Regular Session, 1987, refers to the

1 "rights, powers, privileges, [and] authority" of the
2 district. The revised law omits "authority" because,
3 in context, "authority" is included in the meaning of
4 "rights, powers, [and] privileges."

5 (2) Section 6(a), Chapter 650, Acts of the 70th
6 Legislature, Regular Session, 1987, refers to Chapters
7 50 and 54, Water Code. For the reader's convenience,
8 the revised law adds a reference to Chapter 49, Water
9 Code, because Chapter 715, Acts of the 74th
10 Legislature, Regular Session, 1995, repealed most of
11 the provisions of Chapter 50 and many provisions of
12 Chapter 54 and enacted similar provisions in Chapter
13 49, Water Code. Chapter 49 applies to municipal
14 utility districts under Sections 49.001 and 49.002,
15 Water Code.

16 (3) Section 6(a), Chapter 650, Acts of the 70th
17 Legislature, Regular Session, 1987, provides that the
18 act prevails over general law in case of a conflict or
19 other inconsistency. The revised law omits the
20 provision because it duplicates in substance Section
21 311.026, Government Code (Code Construction Act). The
22 omitted law reads:

23 (a) . . . If any provision of general
24 law is in conflict or inconsistent with this
25 Act, this Act prevails.

26 (4) Section 6(b), Chapter 650, Acts of the 70th
27 Legislature, Regular Session, 1987, refers to the
28 continuing supervision exercised by the Texas Water
29 Commission. The revised law omits the provision
30 because it duplicates in substance part of Section
31 12.081, Water Code, which is a general law that applies
32 to the district. The Texas Commission on
33 Environmental Quality is the successor to the Texas
34 Natural Resource Conservation Commission, which
35 itself was the successor to the Texas Water

Commission. (See Revisor's Note (3) to Section 8486.052.) The omitted law reads:

(b) The rights, powers, privileges, authority, and functions granted to the district are subject to the continuing right of supervision of the State of Texas to be exercised by and through the Texas Water Commission.

Revisor's Note
(End of Chapter)

Section 10, Chapter 650, Acts of the 70th Legislature, Regular Session, 1987, recites legislative findings regarding procedural requirements for the creation of the district under the constitution and other laws and rules, including proper legal notice and the filing of recommendations. The revised law omits those provisions as executed. The omitted law reads:

Sec. 10. The legislature finds that proper and legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished by the constitution and laws of this state, including the governor of Texas, who has submitted the notice and Act to the Texas Water Commission. Also, the legislature finds that the Texas Water Commission has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time. All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.